

Minneapolis City Planning Department Report

Zoning Amendment (Rezoning)

BZZ – 1256

Date: July 21, 2002

Date Application Deemed Complete: June 20, 2003

End of 60 Day Decision Period: August 19, 2003

Applicant: Scott Weber

Address of Property: 2601 Sunset Blvd.

Contact Person and Phone: Michael McLaughlin, 280-2582

Planning Staff and Phone: Jason Wittenberg, 673-2297

Ward: 7 **Neighborhood Organization:** Cedar Isles-Dean Neighborhood Assn.

Existing Zoning: R1

Proposed Zoning: R5

Zoning Plate Number: 23

Legal Description of Property Proposed for Rezoning: Lot 1, West End Addition to Minneapolis, Second Division, Hennepin County, Minnesota.

Proposed Use: Make the existing 19-unit residential building a conforming use.

Project Name: Cedar Beach Apartments

Previous Actions: N/A

Concurrent Review: N/A

Background: The applicant owns an existing 19-unit residential building that is legally nonconforming in the existing R1 District. The applicant's stated intent is to make the existing multi-family residential building conforming by rezoning to the R5 District. The proposed R5 District requires at least 900 square feet of lot area per dwelling unit. The property is located within the SH (Shoreland) Overlay District, which limits new construction to 2-1/2 stories or 35 feet, whichever is less, unless a conditional use permit is granted to increase the maximum permitted height.

The building was constructed with 21 units in 1961. The site was down-zoned to R1 in 1963 and has been legally nonconforming since that time. Although the application stated that the building contains

Minneapolis City Planning Department Report
BZZ – 1256

21-units, the applicant has indicated that three of the units have been combined into one. Staff informed the applicant that, since this condition has existed for more than one year, legal nonconforming rights only exist for 19 dwelling units.

A discrepancy exists related to the amount of lot area on the irregularly shaped property. The Applicant Worksheet completed by the applicant states that there is 27,000 square feet. The survey indicates that the property area is “0.5 acres,” which would be 21,780 square feet. The minutes of the Planning Commission meeting from April 13, 1994, suggests that that the property has 22,957 square feet. Under any of these scenarios, the existing 19-unit building would be conforming under the R5 District. If the property has only half an acre, as suggested on the survey, the property could be redeveloped with up to 24 units (without a variance) in the R5 District.

The City issued a permit in error to construct a deck on the rear of the building. The deck was constructed and must be either removed or legalized through this rezoning request or an application for an expansion of a legal nonconforming use.

A previous owner of the property filed a request to rezone the property from R1 to R5 in 1994. The Planning Department recommended denial of the application. The Planning Commission recommended approval of the rezoning (on a five to four vote). The City Council unanimously denied the rezoning request.

Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The site is not located on a Community Corridor or Commercial Corridor, nor is the site in question located in or adjacent to a Neighborhood Commercial Node.

The Minneapolis Plan indicates that the City should increase the number of households living in Minneapolis, and that “(t)he number of households from all walks of life who choose to make Minneapolis their home must continue to grow if the city’s neighborhoods are to remain economically, socially and physically vital.” In many areas of the city, however, moderate to higher density housing is suggested for Commercial Corridors, Community Corridors, and Major Housing Sites.

Other relevant goals and policies of the Minneapolis Plan include (but are not limited to) the following:

Relevant Policy: **9.5** Minneapolis will support the development of residential dwellings of appropriate form and density.

Minneapolis City Planning Department Report
BZZ – 1256

Relevant Implementation Steps: Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

Staff comment: The site is not located on or within any of the above land use features.

Relevant Policy: **9.22** Minneapolis will promote increased housing production in designated areas of the city in order to accommodate population growth.

Relevant Implementation Steps: Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.

Staff comment: Although a higher density zoning district may contribute to housing diversity in the area in question, the site is not located within one of the land use features where the comprehensive plan specifically indicates that population growth and density should be accommodated.

Staff finds that the rezoning request, on the balance, is not consistent with the policies of the comprehensive plan.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

Although the rezoning may be primarily in the interest of the property owner, some public benefit could be accrued insofar as making the existing structure a conforming use could encourage investment in the property.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The area in question includes housing constructed to a range of densities. However, the adjacent railroad property and bicycle trail represent a dividing line between higher zoning districts to the east and the relatively moderate densities to the west. Although townhouses and a cluster development are constructed west of the railroad tracks (adjacent to the site in question), the rezoning would represent an encroachment of high density residential zoning into an area of R1, low density, zoning.

Minneapolis City Planning Department Report
BZZ – 1256

4. **Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are reasonable uses for the property under the existing zoning classification. The 19-unit residential building could continue to operate as a legal nonconforming use.

5. **Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

Redevelopment that has taken place on nearby properties, on Park Lane and on Sunset Boulevard, for example, has involved construction of new single-family dwellings. The Planning Department does not believe that there has been a change in the character of the area or a trend in the development of the immediate area that would suggest that the R5 District is appropriate for the parcel.

Recommendation Of The City Planning Department for the Rezoning Application:

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **deny** the application to rezone the property at 2601 Sunset Boulevard from R1 to R5.